

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MATTHEW DUNLAP,

Plaintiff,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY *et al.*,

Defendants.

Civil Docket No. 17-cv-2361 (CKK)

JOINT STATUS REPORT

Pursuant to this Court's January 28, 2019 and February 22, 2019 Orders, the parties submit the following joint status report.

I. Defendants' Productions

Defendants have produced the "categories of documents that they conditionally offered to provide." Order (Jan 28, 2019), ECF No. 64, at 2. (One category, entitled "Third-party provided list of suggested witnesses to EOP/Commission staff," consisted exclusively of documents that, upon further review, were already produced to Plaintiff in July 2018, and Defendants did not reproduce these documents here.)¹

The Court also required Defendants to provide further information about four additional categories of documents so that the Court could determine whether documents within these categories should be produced. *See* Order (Jan. 28, 2019), at 3-4. In order to narrow the issues

¹ This Court extended the deadline for Defendants to produce the emails discussing potential Commission members until March 8, 2019. Minute Order, Feb. 22, 2019.

remaining in this case, Defendants have instead produced the documents within these same categories to Plaintiff, with the exception of one. Specifically, Defendants have produced: (1) emails and proposals with/from third-party data analysis entities and Commission/EOP staff; (2) emails with potential panelist about participation in Sept. 12 meeting; and (3) emails with public/staff attendees at Sept. 12 meeting.²³

The final category, “inquiry from DHS re: current status of Commission; internal talking points,” was inadvertently misidentified as an external (*i.e.*, non EOP/OVP) document. Instead, it, and its associated internal talking points, concern exclusively internal discussions within the Executive Office of the President that occurred when then-Deputy Chief of Staff Kirstjen Nielsen requested an update on the current status of the Commission. (This document will be included in the briefing for internal records, pursuant to this Court’s January 2019 order. *See* Order (Jan 28, 2019), at 2.)

II. Proposed Briefing Schedule

This Court has ordered the parties to file a proposed briefing schedule for the remaining OVP and EOP internal records. The parties jointly propose the following schedule:

- **April 12, 2019:** Plaintiff’s motion to compel compliance with the preliminary injunction orders.

² In making their productions, Defendants have withheld a limited number of personal email addresses and phone numbers of private citizens, as well as purely internal emails (which will be included in the briefing for internal documents as further described in this status report).

³ Plaintiff first learned in the course of finalizing this joint status report that Defendants planned to redact material within the production based on Defendants’ position that portions of the records are internal communications that are not required to be produced by the Court’s order. (ECF No. 64). Plaintiff will evaluate the materials produced and reserves the opportunity to seek remedial action if it concludes that these redactions are inconsistent with the Court’s order.

- **May 10, 2019:** Defendants' opposition to Plaintiff's motion to compel compliance with the preliminary injunction orders and cross-motion to dismiss.
- **June 7, 2019:** Plaintiff's reply in support of his motion to compel compliance and opposition to Defendant's cross-motion to dismiss.
- **June 28, 2019:** Defendant's reply in support of their motion to dismiss.

Dated: February 27, 2019

Respectfully submitted,

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